

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

March 4, 2003

MINUTES

1. Call to Order

Mayor Simpson called the Meeting to order at 5:30 p.m. and announced a quorum was present. The Meeting was duly called and posted in a timely manner as required.

Those present were:

Mayor Simpson
Mayor Pro-Tem Reveal
Deputy Mayor Pro-Tem Maso
Council member Allen
Council member Nichols
Council member Lafata
Council member West

Staff present were:

City Manager George Purefoy
Deputy City Manager Henry Hill
Assistant City Manager Scott Young
City Secretary Nan Parker
City Attorney Julie Fort
City Engineer Frank Jaromin
Director of Planning & Development Services John Lettelleir

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:

Mayor Pro-Tem Reveal moved to recess into Closed Session at 5:35 p.m. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0.

Mayor Simpson announced the City Council was in Closed Session at 5:30 p.m. as authorized by Texas Government Code § 551.001, to wit:

- a) Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
 - ii. south of FM 3537, north of Rolater Road, east of Preston Road, and west Hillcrest Road.
- c) Section 551.074. Evaluation of City Manager.
- d) Section 555.071. Consultation with attorney concerning pending litigation in
 - i. Cause No. 005-628-02; *City of Frisco, Texas vs. Walter Richard Dowd, Laurel A. Dowd and Fort Worth Mortgage Corporation, a Division of Colonial Savings, F.A.*; In County Court at Law No. 5, Collin County, Texas.
 - ii. Cause No. 5-643-02; *City of Frisco, Texas vs. H. Roger Lawler and Frisco Master Plan, L.P.*; In County Court at Law No. 5, Collin County, Texas.
 - iii. Cause No. 366-891-02; *Steve Nichols, et al. vs. Kathleen A. Seei*; In the 366th Judicial District Court of Collin County, Texas.
 - iv. Cause No. 02-40665-DML-11; *In re Denton County Electric Cooperative, Inc. d/b/a Coserv Electric, et al*; In the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division (another law firm is handling).
 - v. Cause No. 01-48684-DML-11; *In re COSERV, L.L.C. d/b/a CoServ Communications et al*; In the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division.
 - vi. *Adrienne Epstein v. The Board of Adjustment of the City of Frisco*; Cause No. 199-02438-01; In the 199th Judicial District Court, Collin County, Texas.
 - vii. Civil Action No. 2-02CV-68; *Lawrence Cousino, Individually and as Administrator of The Estate of Laura Cousino, et al. vs The City of Frisco, Texas, et al.*; In the United States District Court, Eastern District of Texas, Sherman Division (another law firm is handling).
 - viii. Case No. 02-1460; *In re Birch Telecom, Inc., Chapter 11*; In the United States Bankruptcy Court for the District of Delaware.
- e) Section 551.071. Consultation between the City Attorney and City Council where the duty of the City Attorney to City Council pursuant to the Code of Professional Responsibilities of the State Bar of Texas clearly conflicts with the Open Meetings Act regarding negotiations with neighboring cities.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Council member Allen moved to reconvene into Regular Session at 6:55 p.m. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

There was no action taken as a result of the Closed Session.

4. Invocation.

Reverend Billy Echols Richter of Grace Avenue Methodist Church offered the prayer.

5. Pledge of Allegiance.

Several members of the Boys and Girls of the Camp Fire led the audience in the Pledge of Allegiance.

6. Citizen Input. (To begin approximately at 7:30 p.m.)

Audie Adkins, Chamber of Commerce, was present to address the Council and informed them of a Job Fair to be on March 18, 2003 at Clark Middle School.

7. .Reports.

- a) Engineering Services Monthly Report
- b) Parks and Recreation Monthly Report
- c) Planning and Development Department Projects Report
- d) Project Status Tracking Reports

Discussion only, no formal action was taken.

8. Consent Agenda:

The Consent Agenda was considered for approval. Council member Allen moved to remove Item 8D for separate discussion and action. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0. Mayor Pro-Tem Reveal moved to approve the Consent Agenda, excluding Item D. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

- A) Approval of the minutes of: 1) February 1, 2003 Mid-Year Work Session, 2) Special Called City Council Meeting of February 13, 2003 and 3) Regular City Council Meeting of February 20, 2003. (City Secretary)

- B) Adoption of **Resolution No. 03-03-48R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and Parsons Transportation Group Inc. for Traffic Signal Design Services for the intersections of SH 289 at Eldorado and FM 3537 at Coit. (Engineering)
- C) Adoption of **Resolution No. 03-03-49R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and the City of Plano to share 35% of funding from State Farm Insurance Company as a result of SH 289 and SH 121 Safety Study. (Engineering)
- D) **Adoption of Resolution authorizing the City Manager to sign an Agreement for Construction Services for Main Street, Phase 3. (Engineering)**

Frank Jaromin, City Engineer was present to address the Council regarding staff recommendations.

Staff Recommendations as of March 4, 2003 p.m.: Staff recommended the approval of the low bid for Project A Alternate Bid to include Projects B-G (\$4,844,844.00) and act upon a Resolution authorizing the City Manager to sign an Agreement for Construction Services for Main Street, Phase 3, by and between the City of Frisco and Site Concrete, Inc. Staff was present during the meeting to address questions regarding the matter.

9. Following discussion, Council member Allen moved to adopt **Resolution No. 03-03-50R** Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

E) Approval of change order number 1 to Groves Electrical in the amount of \$1,905.00 for additional work required on the Frisco Sports Complex Street Lighting project. (Engineering)

F) Approval of payment for the 1st Quarter Fiscal Year 2003 for the Section 380 Sales Tax Grant to General Growth Properties in the amount of \$482,819.25. (City Manager's Office/KH)

Staff Recommendation:

Staff has reviewed this item thoroughly and recommended approval as submitted.

G) Adoption of **Ordinance No. 03-03-11** with Oncor Electric Delivery Company to extend the current electric franchise agreement through September 30, 2003. (City Manager's Office/KH)

Staff Recommendation:

Staff recommends approval of the extension ordinance while negotiations of the new electric franchise agreement continue.

END OF LEGISLATIVE AGENDA

9. Legislative Agenda:

Mayor Pro-Tem Reveal moved to remove Item 9B. Council member West seconded the Motion. Motion carried. Vote: 6-0.

A. Adoption of **Ordinance No. 03-03-12** to rezone 146.1± acres on the southeast corner of Main Street and the Dallas North Tollway from Planned Development-153-Mixed Use and Agricultural to Planned Development-153-Mixed Use. Neighborhood #40. Zoning Case Z2002-0011. Applicant(s): Frisco Square LTD and Five Star Development (Planning & Development Department)

B. Adoption of Ordinance to amend the Comprehensive Zoning Ordinance to establish distance requirements between Beer & Wine Package Sales Establishments and between Beer & Wine Package Sales Establishments and other land uses. Comprehensive Zoning Ordinance Amendment ZA02-0024. Applicant(s): City of Frisco. (Planning & Development Department)

Mayor Pro-Tem Reveal requested the item be pulled to explain to the Citizens that the adoption of the ordinance will establish distance requirements between Beer & Wine Package establishments and Beer & Wine Package Sales establishments and other land uses. Following discussion, Mayor Pro-Tem Reveal moved to adopt **Ordinance No. 03-03-13** therein amending the Comprehensive Zoning Ordinance regarding Beer & Wine Package Sales Establishments. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

C. Adoption of **Resolution No. 03-03-51R** calling a public hearing to consider amending the Comprehensive Zoning Ordinance regarding Specific Use Permit requirements for Independent School Districts. (Planning and Development Department)

Regular Agenda:

10. Continuation of Public Hearing: Zoning Case ZA2002-0028. A request to amend the Comprehensive Zoning Ordinance to establish standards for Alternative Subdivision Design for properties zoned Single Family-4, Single Family-5 and other properties where Single Family-4 and Single Family-5 are permitted and not in conflict with the proposed standards and consider

**and act to instruct staff to prepare an Ordinance of the same. Applicant(s):
City of Frisco (Planning & Development Department)**

Mayor Pro-Tem Reveal moved to continue the public hearing. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0. Mayor Pro-Tem Reveal moved to retract her motion. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0. Council then went to Citizen Input.

Following Citizen Input, Mayor Pro-Tem Reveal moved to open the Public Hearing. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

Mark Pitts, John Parchman, Curt Coachman, Michael Osuna, Jim Perry, Glenn Early, Charlie Daniel, Carlos Gallardo, David Evans, Kimberly Page, Jerry McGill, Jana Binion, James Frog, Susie Esparaza were all present to speak against the proposed Alternative Subdivision Design for properties zoned SF-4, SF-5 and other properties where SF-4 and SF-5 are not permitted.

There being no one else present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the Public Hearing. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

Mayor Simpson informed the Council of the history of the Alternative Subdivision Design and the reason it had been considered initially. Mayor Simpson stated that the Council had spent approximately two – three years on lot diversity for the City.

Mayor Pro-Tem Reveal stated she had been one of the biggest advocates of the lot diversity plans based on complaints from parents that they would like to have their children to stay in the same school and yet move into a larger home. Mayor Pro-Tem Reveal recommended that staff meet with the different Homeowners' Association.

Deputy Mayor Pro-Tem Maso stated that when he ran for council he had been told by the citizens they wanted more lot diversity and not rows and rows of homes. Deputy Mayor Pro-Tem Maso stated that he does not approve of the following two items: (1) do away with the 50' buffer and (2) lots may change during the construction phases.

Council members Nichols recommended the city consider their own boundaries as well as other city boundaries. Council member Nichols stated that these proposed plans were not what he had envisioned. He stated there are things to consider: (1) how does the use around it affect the value, (2) how is the enjoyment of my home. He stated that there should be a framework to start out with rather than intermixing duplexes next door to single family; however, he stated the creation of villages within a subdivision.

Council member Lafata stated that he wanted to see diversity in the manner of the way the homes set on the property. He stated that he did not like to see rows and rows of houses when looking down the street. He referenced the subdivisions of Starwood and Lone Star Ranch and the lay out of the properties. Council member Lafata stated that he would like to see the following changes in the ordinance: (1) reduction of lot sizes is too great as lots are too small already (2) more than 50' buffers, and (3) that the ASD should not affect existing neighborhoods that still have phases of construction to be finished.

Council member Allen stated that his suggestions to the proposed ordinance were to: (1) allow a minimum house size of 1600 sq.ft. (2) duplexes shall not be allowed in ASD if the original zoning was SF-4 and SF-5. (3) duplex and town home products would be allowed in ASD if the original zoning was multi-family. (4) the barrier between ASD and existing developments must be separated by a row of houses, no more dense than that of the original zoning. Council member Allen stated that the Council and Staff have spent many, many hours on the proposal and recommended the Council should either go forward or move on to other issues.

Council member West stated that there are subdivisions that have diversity that are already constructed in the City, she cited Grayhawk, Lone Star Ranch and Starwood. Council member West stated that she recommended the following changes in the ordinance: (1) SF-4 zoning to remain in place, (2) removal of duplexes, (3) removal of multi-family and (4) homes shall not be constructed smaller than 1600 sq. ft.

Mayor Pro-Tem Reveal moved to **table** the item until April 1, 2003 with the condition that she is willing to participate in meetings with whatever Homeowners' Associations that might be interested and promote education of the ordinance, the meetings shall be conducted with city staff and other council members that might want to attend. Council member West seconded the Motion.

Mayor Pro-Tem Reveal amended her motion to **table** the item until April 15, 2003 subject to her participation in meetings with Homeowners' Associations that might be interested in the request, city staff and other council members that might want to attend. Council member West seconded the Motion. Motion carried. Voting for: Council member Nichols, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member West. Voting Nay: Council member Allen and Council member Lafata. Motion carried. Vote: 4-2.

11. Public Hearing: Zoning Case ZA02-0023. A request to amend the Comprehensive Zoning Ordinance, Article II, Sections 3.04(6) and 4.02 regarding the definition and regulation of home occupations and consider and act to instruct staff to prepare an Ordinance of the same. Applicant(s): City of Frisco (Planning & Development Department)

Mayor Pro-Tem Reveal moved to open the Public Hearing. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0.

Senior Planner Mike Walker was present to address the council with staff recommendations.

Bill Pittstick, Audie Adkins, and Rebecca Hensel spoke in favor of the request.

There being no one else present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the Public Hearing. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member Allen stated that he had watched the Planning & Zoning Commission meetings and he commended the Commission for all of their efforts in attaining a unanimous decision and agreed with their final recommendations to the Council.

Following discussion, Council member Allen moved to instruct staff to prepare an ordinance regarding the definition and regulation of home occupations to be adopted at the first meeting in April 2003. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

12. Consider and act upon approval of the annual Interlocal Cooperation Agreement for Library Services by and between the City of Frisco and Denton County. (City Manager's Office/JG)

Jason Gray was present to address the Council regarding the annual Interlocal Cooperation Agreement for Library Services with Denton County. He recommended approval of the Agreement. Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 03-03-52R** therein approving the annual Interlocal Cooperation of Agreement for Library Services by and between the City of Frisco and Denton County. Council member West seconded the Motion. Motion carried. Vote: 6-0.

13. Consider and act upon approval of a Resolution calling for a Public Hearing regarding expansion of Frisco Tax Increment Reinvestment Zone Number 1 and amendment of project plan and financing plan. (City Manager's Office/JG)

Jason Gray requested that the Council table action on the item. Following discussion, Mayor Pro-Tem Reveal moved to **table** the item. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

14. Discussion of Board Appointment dates. (City Council/TR)

Mayor Pro-Tem Reveal suggested that after the May 3, 2003 Election the City Council reconsider the board appointment dates from July until later in the year. Discussion only, no formal action was taken.

15. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department. (Planning & Development Department)

Discussion regarding two of the plats that had been approved by the Planning & Zoning Commission. Following discussion, the Council chose not to appeal decisions of the Commission.

16. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- Call for a public hearing for compensation of Mayor and City Council members, requested by Mayor Pro-Tem Reveal.

17. Discussion on Governance Monitoring of present City Council Meeting.

Council member Allen monitored the Meeting. No formal action was taken.

18. Adjourn.

There being no additional business, the meeting was adjourned at 10:00 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary